

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 03 February 2004

CASE NO. 2004-LCA-0011

In the Matter of:

ADMINISTRATOR, WAGE & HOUR DIVISION,
U.S. DEPARTMENT OF LABOR,

Prosecuting Party,

vs.

ABCOM CONSULTING AND TRAINING, LLC,

Respondent.

DECISION AND ORDER APPROVING WITHDRAWAL

This case arises under the H-1B provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. §1182(n), and the implementing regulations set forth at 20 C.F.R. Part 655, *et seq.* This matter was assigned to me pursuant to 20 C.F.R. §§655.820 and 655.835 after Abcom requested a hearing to appeal assessments of \$69,000.00 and \$287,478.88 by the Administrator, Wage and Hour Division, Department of Labor.

On January 6, 2003, I held a telephonic status conference with the parties. Participating were Kraig Marton, representing Raj Patel, principal of Abcom (also present), Jennifer Blackman and Barbara Matthews, from the Office of the Solicitor, representing the Department of Labor. As a result of the exchanges that took place between the parties at that time, Mr. Marton wrote a letter to me on January 15, 2004, received in this office on January 21, 2004. In that letter he states that based on the representations made by the Office of the Solicitor during the status conference and before, he requests that Abcom's appeal be withdrawn because

I am now satisfied that the Department has no intent to attempt to hold Raj Patel personally liable for the assessments against Abcom. I am pleased that the Solicitor's Office did not seek to charge Raj Patel in their initial assessment against Abcom, and I agree with their interpretation of the statute (that it does not allow for personal liability). I am also pleased that they told you they have no intent of attempting to

pierce any corporate veil of Abcom. . . . We fully understand that the Assessment against Abcom will remain of record, but we still wish the appeal to be dismissed, as withdrawn.

Although given the opportunity to respond to Abcom's letter, the Solicitor has not. I conclude that the Solicitor has no objection to Abcom's request to withdraw its appeal.

Therefore, the withdrawal of the request for a hearing is **HEREBY APPROVED** and this case is **HEREBY DISMISSED** without prejudice.

A

ANNE BEYTIN TORKINGTON
Administrative Law Judge